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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MATHEW, FENN C

ART UNIT	PAPER NUMBER
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3764

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DATE MAILED: 03/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,325

Applicant(s)

GREENLAND, DARRELL

Examiner

Fenn C Mathew

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1-6,9-13,16 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 7,8,14,15 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 13-14 is objected to because of the following informalities: The phrase "said vertical attachment member" lacks positive antecedent basis.
2. In claim 14, the phrase "said extending member" lacks positive antecedent basis. Appropriate correction is required.
3. In claims 9 and 11, the phrase "said height" lacks positive antecedent basis.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 12, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Slawinski (U.S. 6,293,892). Slawinski discloses a free weight connecting member (54) adapted to be supported from a supporting member having a horizontal stop (36), the free weight connecting member being pivotably connected to a free weight, the free weight connecting member being adaptable to rest upon the horizontal stop of the horizontal supporting member.

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3. Referring to claim 12, Slawinski discloses a free weight connecting system including the free weight connecting member.

4. Referring to claim 16, Slawinski discloses a free weight clamp pivotably coupled to the free weight connecting member (in fig. 1 at connection point of cable with weight bar).

5. Claims 1-6, 9-13, and 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Einsig (U.S. 5,813,951). Referring to claim 1, Einsig discloses a free weight connecting member (14) adapted to be supported from a supporting member having a horizontal stop (48) the free weight connecting member being pivotally connectable to a free weight the free weight connecting member being adaptable to rest upon the horizontal stop of the supporting member when the free weight connecting member is otherwise not supported wherein free weight may be attached to the free weight connecting member and supported by the supporting member until used by a weightlifter.

6. Referring to claim 2, Einsig discloses a vertical attachment member being adaptable to be slidably and selectably attachable to a vertical support, the vertical attachment member coupled to the support members.

7. Referring to claim 3, Einsig discloses a vertical post, the vertical post (44) coupled to the horizontal supporting member and serving to support the supporting member, the vertical post adapted to fit to a weight stand.

8. Referring to claim 4, Einsig discloses the vertical attachment member attachable to the vertical support by the vertical attachment member defining a hole through which a pin may pass to secure the vertical adjustment member to the vertical support.
9. Referring to claim 5, Einsig discloses the free weight connecting member having a free end connectable to the free weight and a fixed end pivotally coupled to the vertical attachment member.
10. Referring to claim 6, Einsig discloses in the broadest reasonable interpretation, a counterweight (46) coupled to the vertical attachment member.
11. Referring to claim 9, Einsig discloses the supporting member being a horizontal supporting member supporting the free weight connecting member at the height sufficient to allow a maximal lift distance for the weight lifter of the free weight, the height sufficient to allow a minimal descent distance of hands of the weightlifter upon disengaging the free weights. (Horizontal bar can be moved according to user preferences).
12. Referring to claim 10, Einsig discloses the horizontal supporting member capable of performing as a mechanical spotter enabling the weightlifter to disengage the free weights without letting the free weights drop.
13. Referring to claim 11, Einsig discloses the height of the horizontal supporting member, and free weight connecting members capable of being approximately equal to the height of the shoulders of a user.
14. Referring to claim 12, Einsig discloses a free weight connecting system including the free weight connecting member.

15. Referring to claim 13, as broadly drafted, Einsig discloses an extending member capable of extending outwardly and rearward from the vertical attachment member. (Extension 16 can be pivoted so that it points downward or outward, and is to the rear of the vertical attachment member.)

16. Referring to claim 21, Einsig discloses a frame, a first free weight connecting member assembly operatively coupled to the frame, the first free weight connecting member pivotally connectable to a first free weight and adapted to rest upon stop means operatively supporting the first free weight connecting member.

17. Referring to claim 22, Einsig discloses the frame further comprising a vertical support being vertically adjustable, a vertical coupling member pivotally coupled to the freeweight connecting member and vertical support.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Einsig alone. Einsig fails to disclose specifically a free weight clamp, however it would have been obvious to the skilled artisan to provide a free weight clamp in order to secure the weight on the weight peg. The use of weight clamps or clips is notoriously old and well

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known in the art. Furthermore, since the weight peg is pivotally connected, the weight clamp would inherently be pivotally coupled to the free weight connecting member.

Allowable Subject Matter

20. Claims 7-8, 14-15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

21. Claims 18-20 are allowed. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach the claimed limitations and further including the free weight fork structure as substantially claimed pivotally coupled to a free weight connecting member, the free weight connecting member in turn pivotally connected to a vertical coupling member.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Simonson	U.S. 5,788,614
Jones	U.S. 5,044,632
Giannelli	U.S. 6,254,516
Ellis	U.S. 5,810,701

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (703) 305-2846. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YCM

fcm
March 4, 2004



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